

West Virginia Department of Environmental Protection

Joe Manchin, III
Governor

Division of Air Quality

Randy C. Huffman
Cabinet Secretary

Permit to Modify



R13-1475D

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45 C.S.R. 13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The permittee identified at the facility listed below is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Issued to:

Southern West Virginia Asphalt, Inc.
Elkins Plant #50/Kelly Mountain Road
083-00029

John A. Benedict
Director

Issued: DRAFT

This permit will supercede and replace Permit R13-1475D.

Facility Location: Elkins, Randolph County, West Virginia

Mailing Address: P.O. Box 544
Dunbar, WV 25064

Facility Description: Hot Mix Asphalt Plant

SIC Codes: 2951

UTM Coordinates: 607.3 km Easting • 4,305.5 km Northing • Zone 17

Permit Type: Modification

Description of Change: Modified the existing asphalt plant to process and utilize reclaimed asphalt payment (RAP) and replace the existing reverser air baghouse with a plus jet baghouse.

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

This permit does not affect 45CSR30 applicability, the source is a nonmajor source subject to 45CSR30. This facility is subject to 45CSR3. Therefore, the permittee is obligated to obtain and maintain an operating permit pursuant to 45CSR§3-5.4. for the calender year and must be renewed annually.

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1.0 Emission Units

| Emission Unit ID | Emission Point ID | Emission Unit Description | Year Installed | Design Capacity | Control Device |
|--|-------------------|--|----------------|-----------------|------------------------|
| Recycle Asphalt Pavement (RAP) Processing | | | | | |
| BS-6 | TP-10 | RAP Hopper | 2010 | 100 TPH | PE |
| CR-1 | CR-1E | RAP Crusher | 2010 | 100 TPH | FE |
| BC-2 | TP-11 | RAP Belt Conveyor | 2010 | 100 TPH | PE |
| BC-3 | TP-13 | RAP Belt Conveyor | 2010 | 100 TPH | MC |
| OS-3 | OS-3E | RAP Input Open Stockpile | 2010 | 25,000 Tons | MC |
| OS-4 | OS-4E | RAP Sized Open Stockpile | 2010 | 100 tons | MC |
| Hot Mix Asphalt Manufacturing | | | | | |
| CFDM-1 | 1E | Counter-Flow Drum Mixer | | 200 TPH | MC(APCD-1)/BH (APCD-2) |
| AH-1 | 2E | Liquid Asphalt Heater | | | None |
| OS-1 | | Cold Aggregate Stockpile | | 5,000 tons | |
| OS-2 | | Cold Aggregate Stockpile | | 10,000 tons | |
| BS-1 | | Cold Aggregate Bin | | 20 tons | PE |
| BS-2 | | Cold Aggregate Bin | | 20 tons | PE |
| BS-3 | | Cold Aggregate Bin | | 20 tons | PE |
| BS-4 | | HMA Bin | | 20 tons | PE |
| BS-5 | | Mineral Fines Bin | | 20 tons | PE |
| BS-6 | | RAP Aggregate Bin | | 20 tons | PE |
| BC-1 | | Belt Conveyor From Cold Bins to CFDM-1 | | 200 TPH | None |
| BE-1 | | HMA Bucket Elevator | | 200 TPH | |
| T-1 | | Asphalt Storage Tank | | 12,000 gal | None |
| T-2 | | Asphalt Storage Tank | | 30,000 gal | None |
| T-3 | | Diesel Fuel Storage Tank | | 15,000 gal | None |
| T-4 | | Waste or Used Oil Storage Tank | | 15,000 gal | None |

2.0. General Conditions

2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45 CSR § 30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.2. Acronyms

| | | | |
|-----------------------------|---|-------------------------|--|
| CAAA | Clean Air Act Amendments | NO_x | Nitrogen Oxides |
| CBI | Confidential Business Information | NSPS | New Source Performance Standards |
| CEM | Continuous Emission Monitor | PM | Particulate Matter |
| CES | Certified Emission Statement | PM_{2.5} | Particulate Matter less than 2.5µm in diameter |
| C.F.R. or CFR | Code of Federal Regulations | PM₁₀ | Particulate Matter less than 10µm in diameter |
| CO | Carbon Monoxide | | |
| C.S.R. or CSR | Codes of State Rules | Ppb | Pounds per Batch |
| DAQ | Division of Air Quality | pph | Pounds per Hour |
| DEP | Department of Environmental Protection | ppm | Parts per Million |
| dscm | Dry Standard Cubic Meter | Ppmv or ppmv | Parts per million by volume |
| FOIA | Freedom of Information Act | PSD | Prevention of Significant Deterioration |
| HAP | Hazardous Air Pollutant | psi | Pounds per Square Inch |
| HON | Hazardous Organic NESHAP | SIC | Standard Industrial Classification |
| HP | Horsepower | SIP | State Implementation Plan |
| lbs/hr | Pounds per Hour | SO₂ | Sulfur Dioxide |
| LDAR | Leak Detection and Repair | TAP | Toxic Air Pollutant |
| M | Thousand | TPY | Tons per Year |
| MACT | Maximum Achievable Control Technology | TRS | Total Reduced Sulfur |
| MDHI | Maximum Design Heat Input | TSP | Total Suspended Particulate |
| MM | Million | USEPA | United States Environmental Protection Agency |
| MMBtu/hr or mmbtu/hr | Million British Thermal Units per Hour | UTM | Universal Transverse Mercator |
| MMCF/hr or mmcf/hr | Million Cubic Feet per Hour | VEE | Visual Emissions Evaluation |
| NA | Not Applicable | VOC | Volatile Organic Compounds |
| NAAQS | National Ambient Air Quality Standards | VOL | Volatile Organic Liquids |
| NESHAPS | National Emissions Standards for Hazardous Air Pollutants | | |

2.3. Authority

This permit is issued in accordance with West Virginia Air Pollution Control Law W.Va. Code §§22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

- 2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation;*

2.4. Term and Renewal

- 2.4.1. This permit supercedes and replaces previously issued Permit R13-1475C. This permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule.

2.5. Duty to Comply

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-1475, R13-1475A, R13-1475B, R13-1475C, R13-1475D, and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to;
[45CSR§§13-5.11 and 13-10.3]
- 2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;
- 2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses and/or approvals from other agencies; i.e., local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

2.6. Duty to Provide Information

The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

2.7. Duty to Supplement and Correct Information

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

2.8. Administrative Update

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-4]

2.9. Permit Modification

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-5.4.]

2.10. Major Permit Modification

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.

[45CSR§13-5.1]

2.11. Inspection and Entry

The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

2.12. Emergency

- 2.12.1. An "emergency" means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission

limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

- 2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are not met.
- 2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and,
 - d. The permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emission, and corrective actions taken.
- 2.12.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- 2.12.5. The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

2.13. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

2.14. Suspension of Activities

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

2.15. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

2.16. Severability

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

2.17. Transferability

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13.
[45CSR§13-10.1]

2.18. Notification Requirements

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

2.19. Credible Evidence

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

3.0. Facility-Wide Requirements

3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.
[40CFR§61.145(b) and 45CSR§34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.
[45CSR§13-10.5.]
- 3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45 C.S.R. 11.
[45CSR§11-5.2.]

3.2. Monitoring Requirements

[Reserved]

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in

this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
 - b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
 - c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
- [WV Code § 22-5-4(a)(15)]**

3.4. Recordkeeping Requirements

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.

- 3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.

[45CSR§4. State-Enforceable only.]

3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
- 3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304-2345

If to the USEPA:

Associate Director
Office of Enforcement and Permits Review
(3AP12)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

3.5.4. **Operating Fee.**

- 3.5.4.1. In accordance with 45CSR30 – Operating Permit Program, the permittee shall submit a Certified Emissions Statement (CES) and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.
- 3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

4.0. Source-Specific Requirements

4.1. Limitations and Standards

- 4.1.1. The facility shall employ one portable reclaimed asphalt pavement (RAP) crushing plant, which includes RAP bin, two belt conveyors, one crushing mill, and two open stockpiles. The operation of this plant shall not exceed the following maximum operating and emission limitations:
- a. The plant shall not process more than 75,000 tons of reclaimed asphalt pavement per year;
 - b. Particulate matter emissions discharged from the crushing unit shall not exceed 0.20 tons per year;
[45CSR§7-4.1]
 - c. The crusher shall not discharge fugitive emissions into atmosphere greater than 12 percent opacity;
[40 CFR § 60.672(c)]
 - d. Fugitive emission from the transfer points on the belt conveyor shall not discharge fugitive emissions into the atmosphere greater than 7 percent opacity; and
[40 CFR § 60.672(b)]
 - e. Partial enclosures shall be installed and maintained to minimize fugitive emissions from the transfer points from the RAP bin to belt conveyor BC-2 and the transfer points to and from the crusher (CR-1).
[45CSR§7-5.1]
 - f. A full enclosure shall be installed and maintained to minimize fugitive emission from the crusher (CR-1).
[45CSR§7-5.1]
- 4.1.2. The facility shall operated one H & B H-60 hot mix asphalt plant, which includes associated stockpiles, bins, storage vessels, belt conveyor, counterflow drum dryer, and asphaltic cement heater. The operation of this plant shall not exceed the following maximum operational and emission limitations:
- a. The maximum hourly and annual production of asphaltic concrete shall not exceed 200 tons per hour or 220,000 tons per year, respectively.
 - b. The permissible fuels to be used for the burners, associated with the plant dryer, shall be No. 2 fuel oil or recycled fuel oil. The maximum sulfur and ash content and of the fuel fired as part of these operations shall not exceed 0.5% and 0.775% respectively.
[45CSR§10-4.1.]
 - c. The permitted facility shall not burn more than 589,790 gallons/yr of recycled fuel oil.
 - d. The permittee shall not receive, store, burn or fire any recycled or used oil which is considered a hazardous waste or does not meet the used oil specifications (40 C.F.R. 279.11, Table 1). The burning of used or recycled oil which does not meet these specifications shall constitute a violation of 45CSR25, 33CSR20 and the requirements, provisions, standards and conditions of this permit.

- e. Particulate matter emissions from the stack venting from the baghouse used to control particulate matter emissions from the dryer shall not exceed nine (9) pounds per hour or 0.04 grains per dry standard cubic feet, whichever is more stringent.
[45CSR§3-3.1. and 40CFR§60.92(a)(1)]
 - f. No gases discharged from the stack (Emission Point 1E) venting (the baghouse shall exhibit 20 percent opacity, or greater.
[45CSR§3-3.1 and 40CFR§60.92(a)(2)]
 - g. Only during start-up or shut-down the CDMF-1, visible emissions from Emission Point 1E shall be less than 40 percent for a period of six minutes per start-up or shutdown. Compliance shall be based on six minute averages using Method 9.
[45CSR§3-3.2]
 - h. Particulate emissions from the hot elevator, screen deck, hot bins, weigh box, and pugmill shall be controlled by appropriate hooding, enclosure, etc., and ducted such that generated emissions are directed to subject baghouse per Condition 4.1.2.e. of this permit.
[45CSR§3-4.5]
- 4.1.3. Plant grounds as relates to generated particulate emissions from vehicular traffic, including but not limited to endloaders, trucks, and cars, shall be controlled by the use of a water truck.
[45CSR§3-4.6]
- 4.1.4. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.
[45CSR§13-5.11.]

4.2. Monitoring Requirements

- 4.2.1. For the purpose of determining compliance with the opacity limits of conditions 4.1.1. and 4.1.2., the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit.

The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40 CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40 CFR Part 60, Appendix A, Method 9 certification course.

Visible emission checks shall be conducted at least once per calendar month between April 1 to October 31 with a maximum of forty-five (45) days between consecutive readings. These checks shall be performed at each source (stack, transfer point, fugitive emission source, etc.) for a sufficient time

interval, but no less than one (1) minute, to determine if any visible emissions are present. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions.

If visible emissions are present at a source(s) for three (3) consecutive monthly checks, the permittee shall conduct an opacity reading at that source(s) using the procedures and requirements of Method 9 as soon as practicable, but within seventy-two (72) hours of the final visual emission check. A Method 9 observation at a source(s) restarts the count of the number of consecutive readings with the presence of visible emissions.

4.3. Testing Requirements

4.3.1. For the purposes of demonstrating initial compliance with opacity limitations in condition 4.1.1., 40 CFR §§60.672(b) and 60.672(c), the permittee shall conduct performance testing of crusher (CR-1) and associated transfer point with conveyer belts BC-2 and B-3 within 180 days after start-up of the RAP crushing plant. Such testing shall be for determining compliance with the visible emission limits stated 4.1.1.c. and 4.1.1.d. Such testing shall be conducted in accordance with the following:

- a. U.S. EPA Method 9 and the procedures of 40 CFR §60.11 with the following additions shall be used to determine the opacity of the emission units not enclosed in a building:
 - A. The minimum distance between the observer and the emission source shall be 15 feet;
 - B. When possible, the observer shall select a position that minimizes interference from other fugitive emissions sources. The required observer position relative to the sun (Method 9, Section 2.1) must be followed.
 - C. The duration of the observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions are met:
 - i. There are no individual readings greater than 10 percent opacity; and
 - ii. There are no more than 3 readings of 10 percent for the 1-hour period.
 - D. If the emissions from two or more units continuously interfere so that the opacity of fugitive emissions from an individual unit cannot be read, either of the following procedures may be used:
 - i. Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected unit(s) contributing to the emission stream; or
 - ii. Separate the emissions so that the opacity from each unit can be read.
- b. Testing shall be conducted in accordance with condition 3.3.1. Records of such testing shall be maintained in accordance with condition 3.4.1.
[40CFR§§60.8 and 60.676(f)]

4.3.2. For the purposes of demonstrating initial compliance with particulate matter and opacity limitations

in condition 4.1.2., 40 CFR §§60.92(a) and 45CSR§§3-3.1. & 3-4.1, the permittee shall conduct performance testing of the HMA plant emission 1E within 180 days after start-up of the RAP crushing plant. Such testing shall be for determining compliance with the particulate matter limits of 4.1.2.e. and visible emission limits stated 4.1.2.f. Such testing shall be conducted in accordance with the following:

- a. Such testing to determine particulate matter concentration shall be conducted in accordance 40 CFR Part 60, Appendix A, Method 5 or other equivalent EPA approved by the Director.
 - i. The sampling time and sample volume of each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf).
 - ii. Such testing shall consist of three test runs.
 - iii. During at least one of the three runs, RAP shall be added into the process mix.
 - iv. During each test run, the facility will be at a production rate of no less than 180 tons of HMA per hour.
 - v. The permittee shall monitor and record the following parameters during each run:
 - (1) Production rate.
 - (2) Pressure drop across the bag house.
 - (3) Mix temperature.
 - (4) Types of fuel used and quantity.
- b. Method 9 and the procedures in 40CFR§60.11 shall be used to determine opacity from emission point 1E.
- c. Testing shall be conducted in accordance with condition 3.3.1. Records of such testing and shall be maintained in accordances with condition 3.4.1. This shall include the recorded parameters from item a.v. of this condition.
[40CFR§§60.8 , 60.93 and 45CSR3-6.1.a.]

4.4. Recordkeeping Requirements

- 4.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:
 - a. The date, place as defined in this permit and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;

- d. The analytical techniques or methods used;
 - e. The results of the analyses; and
 - f. The operating conditions existing at the time of sampling or measurement.
- 4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
- 4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:
- a. The equipment involved.
 - b. Steps taken to minimize emissions during the event.
 - c. The duration of the event.
 - d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

- e. The cause of the malfunction.
 - f. Steps taken to correct the malfunction.
 - g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.
- 4.4.4. The permittee shall maintain records of all monitoring data required by Section 4.2.1 documenting the date and time of each visible emission check, the emission point or equipment/source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The permittee shall also record the general weather conditions (i.e. sunny, approximately 80°F, 6 - 10 mph NE wind) during the visual emission check(s). An example form is supplied as Appendix B. Should a visible emission observation be required to be performed per the requirements specified in Method 9, the data records of each observation shall be maintained per the requirements. For an emission unit out of service during the normal monthly evaluation, the record of observation may note "out of service" (O/S) or equivalent.
- 4.4.5. For the purpose of determining compliance with the maximum hot mix asphalt process rate design capacity limitation and maximum hot mix asphalt yearly production rate limitation of Condition 4.1.2., the permittee shall maintain daily records of hot mix asphalt production, hours of operation, utilizing copies of Attachment A - Daily Hot Mix Asphalt Production and Hours of Operation (or a similar form

containing the same information). Such records shall be maintained in accordance with Condition 3.4.1. Compliance with the maximum hot mix asphalt yearly production rate limitation shall be determined using a rolling yearly total. A rolling yearly total shall mean the tonnage of hot mix asphalt produced at any given time for the previous twelve (12) consecutive calendar months.

- 4.4.5. For the purposes of demonstrating compliance with the annual processing limit in 4.1.1.a., which correlates to the emission limits in 4.1.1.b., the permittee shall monitor and record the amount of RAP material processed by the RAP crushing plant on a daily basis. Such records shall include keeping a 12 month rolling total. Said records shall be maintained in accordance with 3.4.1. of this permit.
- 4.4.6. For the purpose of determining compliance with the sulfur dioxide limits and other fuel restriction of Condition 4.1.2., the permittee shall obtain and maintain reprocessed (recycled) fuel oil analysis from each bath of oil received at the facility. Such records shall include amount of fuel and date received. For fuel oil received, the permittee shall obtain and maintain records identifying the sulfur content of fuel and amount received. Said records shall be maintained in accordance with 3.4.1. of this permit.

4.5. Reporting Requirements

- 4.5.1. Any violation(s) of the allowable visible emission requirement for any emission source discovered during observations using Method 9 must be reported in writing to the Director of the Division of Air Quality as soon as practicable, but within ten (10) calendar days, of the occurrence and shall include, at a minimum, the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.
- 4.5.2. The permittee shall submit a written report of the results of testing as required in this permit before the close of business on the 60th day following the completion of such testing to the Director and U.S. EPA Administrator.

APPENDIX A

Daily HMA Production Records

Month: _____ Year: _____

| DAY | H MA Produced (tons) | Hours of Operation | RAP Processed (tons) | Initials |
|-------|----------------------|--------------------|----------------------|----------|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
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| 25 | | | | |
| 26 | | | | |
| 27 | | | | |
| 28 | | | | |
| 29 | | | | |
| 30 | | | | |
| 31 | | | | |
| Total | | | | |

APPENDIX B

Date of Observation: --

Date Entered by: --

Reviewed by: --

Date Reviewed: --

General Weather Conditions: --

| Emission Point ID | Description of Emission Point | Time of Observation | Visible Emissions (Yes/No) | Consecutive Months of Visible Emission | Comments |
|-------------------|-------------------------------|---------------------|----------------------------|--|----------|
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CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature¹ _____
(please use blue ink) Responsible Official or Authorized Representative Date

Name and Title _____
(please print or type) Name Title

Telephone No. _____ Fax No. _____

- ¹ This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:
- a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (I) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
 - (ii) the delegation of authority to such representative is approved in advance by the Director;
 - b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
 - c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or
 - d. The designated representative delegated with such authority and approved in advance by the Director.